

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2013-00031, to modify condition #1 of ZBA FY1969-66 to allow for the renovation and/or expansion of 9 dwelling units to provide handicapped accessibility, and site changes to improve accessibility, under Section 10.33 and 9.22 of the Zoning Bylaw, at 497 East Pleasant Street A.K.A Village Park Apartments (Map 8D, Parcel 21, R-N Zoning District) with the following conditions:

1. All other relevant conditions of ZBA FY1969-66 shall remain in place.
2. The site changes, use and operation shall be in accordance with the following plans approved by the Zoning Board of Appeals on August 1, 2013:
 - a. Site Accessibility Plan, prepared by Berkshire Design Group, dated July 12, 2013, sheets 1, 2, and 3.
 - b. The survey, prepared by E.B. Holmberg, dated April 16, 2004, bearing a Kuhn Riddle Architect stamp and additional parking information and color key showing areas of improvement
 - c. Plans and Elevations, prepared by Kuhn Riddle Architects, dated July 31, 2013, sheets A1.1A, A1.2A, and A1.3A.
3. All new additions shall be of a material and color to match the existing buildings.
4. New landscaping shall be installed and maintained in disturbed areas. Said landscaping shall be compatible with the existing landscaping features and lawn areas.
5. Parking shall be substantially in accordance with the approved survey with the overall number of spaces to be no less than 1.5 spaces per unit (300 parking spaces inclusive of any handicapped accessible spaces).
6. In the event that an elevator is required in any unit resulting in substantial changes to the exterior elevations, revised plans shall be submitted to and approved by the Zoning Board of Appeals at a public meeting.
7. Any substantial changes to the project, as determined by the Building Commissioner, shall be presented to the Zoning Board of Appeals at a public meeting. The purpose of the public meeting is for the Board to determine whether the changes are de minimus, or significant enough to require modification of the Special Permit.

Eric Beal 
Eric Beal, Chair
Amherst Zoning Board of Appeals

8/26/13
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Kuhn Riddle Architects
26 Amity Street, Suite 2B, Amherst, MA, 01002

Owner: Related Village Park, LLC
60 Columbus Circle, New York, New York 10023

Date application filed with the Town Clerk: July 2, 2013

Nature of request: For a Special Permit to modify conditions of ZBA FY1969-66 to allow for the renovation and/or expansion of 9 dwelling units to provide handicapped accessibility, and site changes to improve accessibility, under Section 10.33 and 9.22 of the Zoning Bylaw

Address: 497 East Pleasant Street A.K.A Village Park Apartments (Map 8D, Parcel 21, R-N Zoning District)

Legal notice: Published on July 17, 2013 and July 24, 2013 in the Daily Hampshire Gazette and sent to abutters on July 15, 2013

Board members: Eric Beal, Tom Ehrgood, Mark Parent

Staff members: Jeff Bagg, Senior Planner, Robert Morra, Building Commissioner

Submissions:

- | | |
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| 1. Project Application Report, dated July 30, 2013 | 5. Floor Plans and Elevations, prepared by Kuhn Riddle Architects, dated June 20, 2013 |
| 2. ZBA application, filed with the Town Clerk on July 2, 2013 | 6. A.D.A apartment study |
| 3. Project Summary and proposed Findings, dated June 19, 2013 | 7. Site Photographs, submitted by applicant |
| 4. Site Plan, prepared by E.B. Holmberg and annotated by Kuhn Riddle | 8. ZBA FY1969-66 |
| | 9. ZBA FY2008-00026 |
| | 10. GIS aerial photograph |

Site Visit: July 31, 2013

Eric Beal, Tom Ehrgood, and Mark Parent met John Kuhn and Lindsay Schnarr of Kuhn Riddle Architects onsite. The Board members observed the location of the property, which is accessed by a long entrance road off of the east side of East Pleasant Street, and the following:

- The location of the one, two and three bedroom units and the approximate location of building expansions and site changes as shown on the submitted plans.

Public Hearing: August 1, 2013

The application was presented by John Kuhn and Lindsay Schnarr of Kuhn Riddle Architects and Peter Wells of Berkshire Design Group. The project was described the proposal in terms of the submitted materials, summarized as follows:

- In 1969, a Special Permit, ZBA FY1969-66 was granted for the construction of 200 apartment units known today as Village Park Apartments. As described by Town staff, sometime between 1970 and 1971 the Zoning Bylaw was amended to prohibit the apartment use rendering the existing buildings and use to be pre-existing and non-conforming. Under Section 9.22, a Special Permit is required for changes to the buildings or the use.
- The overall project was initiated by the property owner, who had agreed to provide 10% of the units as handicapped accessible units. In 2008, a Special Permit was obtained to renovate one unit to make it handicapped accessible. Those changes were designed as interior renovations which resulted in very expensive costs.
- This project involves changes to the site, including the re-grading of portions of the parking lot, walkways, dumpster and recycling areas, and the entrances to the office and laundry facilities. All of these changes are shown on the submitted plans.
- The project also involves the interior and exterior renovations of nine dwelling units:
 - One bedroom units: The interior of five units will be renovated to provide an accessible bathroom and bedrooms. Exterior ramps will be added.
 - Two bedroom units: Three units will be expanded with additions to accommodate new accessible bathrooms and bedrooms. The interior layout includes locations for possible future lifts to the second floor. It was noted that a variance from this requirement is pending before the Architectural Access Board. Exterior ramps will be added.
 - Three bedroom units: One unit will be expanded with an addition. Exterior ramps will be added.
- The buildings and location for renovations and additions were chosen based on the site layout and design, including the existing slope, location of utilities, and access to parking.
- The original 1969 permit was granted when the Zoning Bylaw required 1.5 spaces per unit. As there are 200 units the number of parking spaces required was 300 spaces. The proposal involves the reduction of the number of standard spaces from 314 to 308 in order to allow four additional handicapped accessible spaces to be added. The proposed parking arrangement is shown on the submitted plans. The number of spaces, inclusive of the handicapped spaces will not fall below the required 300 spaces. It was stated that during the two years working at the site they have never seen a problem with parking and noted that many of the residents use public transportation, which runs directly from the property.

The Board discussed parking. The Board determined that the proposed parking arrangement was appropriate noting that a condition would require that the parking not be reduced to less than 1.5 parking spaces per unit.

The Board discussed the landscaping. Mr. Kuhn and Mr. Wells explained that some larger trees will have to be removed to allow for the expansions. Those will not be replaced. Some of the shrubs removed may either be relocated or replanted. Any other disturbed areas will either be landscaped or replanted in grass.

Mr. Parent MOVED to close the evidentiary portion of the public hearing. Mr. Ehrgood seconded the motion and the Board VOTED unanimously to continue the public hearing.

Public Meeting/Specific Findings:

The Board found under Section 9.22 of the Zoning Bylaw, the following:

9.22 - The Special Permit Granting Authority authorized to act under the provisions of Section 3.3 of this bylaw may, under a Special Permit, allow a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said Authority may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that the Authority finds that such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building. The Board finds that the proposal complies with the requirements of Section 9.22, for the following reasons:

- The expansion of the use involves only the expansion of existing units and that the nature of use is for handicapped accessibility purposes. Therefore, the changes will not be more detrimental than the existing uses.
- The structural alterations will not result in significantly different architecture, rooflines, or height. It was noted that a requirement for a lift could alter the exterior elevations and that the Board approved that type of change subject to review and approval of the architectural plans prior to construction.
- The parking is pre-existing non-conforming as it was permitted when the Bylaw required 1/5 spaces per unit where two parking spaces per unit are now required. The reduction of standard parking spaces is a result of adding additional handicapped accessible parking spaces and the overall number does not fall below the requirement under the original permit.
- The exterior changes, including the building additions, access ramps, and parking and walkway changes are intended solely to provide additional handicapped accessibility. The exterior finishes of the buildings will match the existing buildings.

The Board finds and adopts the applicants written Section 10.38 findings, as follows:

10.380 & 10.381 - The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.

The nine units proposed for renovation are within the campus of a 200 unit complex and are expansions or renovations of the same use.

10.382, 10.383 & 10.385- The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal will not affect any of the nuisances listed in 10.382; will not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians, though some sidewalks may need to be adjusted slightly to accommodate the newly constructed ramps; and will not adversely affect the adjoining premises.

10.384 - Adequate and appropriate facilities would be provided for the proper operation of the proposed use. The proposal includes upgrades to site amenities and access to common areas to allow for better integration of disable persons into the housing complex.

10.386 - The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw. While the parking count is not in strict compliance with the Section 7.000 of the Bylaw, the complex has existed for almost 40 years and the actual parking count (1.5 per unit) has always been sufficient and was approved at the time of the original Special Permit. This proposal will accommodate additional handicapped parking spaces in locations appropriate for the newly renovated units.

10.387 & 10.388 - The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw; The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use. The proposal will have no impact on the vehicular and pedestrian movement within the site and in relation to adjacent streets. The proposal will not affect existing conditions for loading and unloading vehicles and goods incidental to normal operation.

10.389 - The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water. The proposal does not adversely affect disposal or storage of sewage, refuse, recyclables and other wastes and, in fact, will improve the accessibility of the existing recycling and dumpster areas.

10.392 - The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. The proposal will provide adequate and appropriate landscaping within the site.

10.395 - The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. The proposed additions will blend in architecturally with the existing buildings and the new ramps will also be designed to be in harmony with the surrounding structures.

10.398 - The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposed inclusion of accessible housing units within this housing complex is in harmony with the general purpose and intent of this Bylaw and the goals of the Master Plan.

Public Meeting – Zoning Board Decision

Mr. Beal MOVED to approve the application with conditions. Mr. Parent seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2013-00031, to modify condition #1 of ZBA FY1969-66 to allow for the renovation and/or expansion of 9 dwelling units to provide handicapped accessibility, and site changes to improve accessibility, under Section 10.33 and 9.22 of the Zoning Bylaw, at 497 East Pleasant Street A.K.A Village Park Apartments (Map 8D, Parcel 21, R-N Zoning District) with conditions.

Eric Beal

ERIC BEAL

Tom Ehrgood

TOM EHRCOOD

Mark Parent

MARK PARENT

FILED THIS 27th day of August, 2013 at 2:33 p.m.
 in the office of the Amherst Town Clerk Sandra J. Bungle
 TWENTY-DAY APPEAL period expires, September 16, 2013.
 NOTICE OF DECISION mailed this 28th day of August, 2013
 to the attached list of addresses by Jeffrey R. Bagg, for the Board.
 COPY OF NO APPEAL issued this _____ day of _____, 2013.
 NOTICE OF PERMIT or Variance filed this _____ day of _____, 2013,
 in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Kuhn Riddle Architects

For a Special Permit to modify conditions of ZBA FY1969-66 to allow for the renovation and/or expansion of 9 dwelling units to provide handicapped accessibility, and site changes to improve accessibility, under Section 10.33 and 9.22 of the Zoning Bylaw

On the premises of 497 East Pleasant Street A.K.A Village Park Apartments
At or on Map 8D, Parcel 21, R-N Zoning District

NOTICE of hearing as follows mailed (date) July 15, 2013
to attached list of addresses and published in the Daily Hampshire Gazette
dated July 17, 2013 and July 24, 2013

Hearing date and place August 1, 2013 (Town Hall)

LEGAL NOTICE
The Amherst Zoning Board of Appeals will meet on Thursday, August 1, 2013, at 6:30 P.M. in the TOWN ROOM, Town Hall, to conduct the following business:

PUBLIC HEARING:
ZBA FY2013-00030 - Integrity Development and Construction - For a Special Permit to convert a dimensionally existing conforming structure into a new owner occupied dwelling unit, as Converted Dwelling under Section 3.3241 and 9.22 of the Zoning Bylaw, at 52 North Prospect Street (Map 11C, Parcel 213, R-G Zoning District)
ZBA FY2013-00031 - Kuhn Riddle Architects - For a Special Permit to modify conditions of ZBA FY1969-66 to allow for the renovation and/or expansion of 9 dwelling units to provide handicapped accessibility, and site changes to improve accessibility, under Section 10.33 and 9.22 of the Zoning Bylaw, at 497 East Pleasant Street A.K.A Village Park Apartments (Map 8D, Parcel 21 R-N Zoning District)
ZBA FY2013-00032 - Joseph Bowman d/b/a Pioneer Valley Pizza - For a Special Permit to extend existing hours of operation to create a new delivery only Class II restaurant, at 360 College Street (Map 15A, Parcel 28, COM Zoning District)
ERIC BEAL, CHAIR
AMHERST ZONING BOARD OF APPEALS
July 17, 24
3254092

SITTING BOARD and VOTE TAKEN:

A Special Permit, ZBA FY2013-00031, to modify condition #1 of ZBA FY1969-66 to allow for the renovation and/or expansion of 9 dwelling units to provide handicapped accessibility, and site changes to improve accessibility, under Section 10.33 and 9.22 of the Zoning Bylaw

Eric Beal -- Yes Tom Ehrgood -- Yes Mark Parent - Yes

DECISION: APPROVED with conditions as stated in permit

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Kuhn Riddle Architects
Address 26 Amity Street, Suite 2B
City or Town Amherst, MA 01002

Identify Land Affected: 497 East Pleasant Street
(Map 8D, Parcel 21, R-N Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

497 East Pleasant Street Amherst
Street City or Town

The record of title standing in the name of
Related Village Park, LLC
Name of Owner

Whose address is 60 Columbus Circle New York NY 10023
Street City or Town State Zip Code

By a deed duly recorded in the

Hampshire County Registry of Deeds: Book 8186 Page 113
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2013-00031
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Eric Beahm Chairman
(Board of Appeals)
[Signature] Clerk
(Board of Appeals)

at _____ o'clock and _____ minutes .m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

Town of Amherst Abutter List

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/State/Zip</i>
8D-8	EAST PLEASANT ST	SHAW, JAMES W & MARY K		2700 VIRGINIA AVE NW #603	WASHINGTON, DC 20037
8D-9	EAST PLEASANT ST	SHAW, JAMES W & MARY K		2700 VIRGINIA AVE N2 #603	WASHINGTON, DC 20037
8D-22	EAST PLEASANT ST	TOWN OF AMHERST		TOWN HALL	AMHERST, MA 01002
8D-7	EAST PLEASANT ST	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002
8D-6	EAST PLEASANT ST	UNIVERSITY OF MASS FOUNDATION		333 SOUTH ST 4TH FLOOR	SHREWSBURY, MA 01545-7807
8D-4	439 EAST PLEASANT ST	BASKIN, TOBIAS I & GREEN, LAURA S		439 EAST PLEASANT ST	AMHERST, MA 01002
8D-21	497 EAST PLEASANT ST	RELATED VILLAGE PARK, LLC	C/O THE RELATED COMPANIES	423 WEST 55TH ST	NEW YORK, NY 10019
8D-3	505 EAST PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8D-15	513 EAST PLEASANT ST	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8C-13	NORTH PLEASANT ST	COMMONWEALTH OF MASS U MASS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8D-24	5-11 OLYMPIA DR	AMHERST HOUSING AUTHORITY		5-11 OLYMPIA DR	AMHERST, MA 01002
8D-19	37 OLYMPIA DR	COMMONWEALTH OF MASSACHUSETTS	C/O JUANITA HOLLER ASSOC VICE CHANCELLOR	337 WHITMORE UMASS	AMHERST, MA 01003
8D-18	47 OLYMPIA DR	IOTA BETA CHAP CHI OMEGA	C/O MEGAN HEALEY	47 OLYMPIA DR	AMHERST, MA 01002
8D-20	85 OLYMPIA DR	TOWN OF AMHERST CONSERV COMM		TOWN HALL	AMHERST, MA 01002

<i>Parcel_ID</i>	<i>Parcel_Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>City/St/Zip</i>
11B-70	70 STRONG ST	AMHERST CEMETERY ASSOCIATION		70 STRONG ST	AMHERST, MA 01002
11B-70E	70 STRONG ST	AMHERST CEMETERY ASSOCIATION		70 STRONG ST	AMHERST, MA 01002
8C-T-13	UMASS	SPECTRASITE COMMUNICATIONS	ATTN: PROPERTY TAX DEPT.	P.O. BOX 723597	ATLANTA, GA 31139